

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Anthony Duane Webb,

Plaintiff,

v.

Jacob Gollihugh et al,

Defendants.

Case No. 2:21-cv-00421-TLF

ORDER

This matter is before the Court on defendants' motion to dismiss for failure to prosecute. Dkt. 51. Plaintiff did not respond to defendants' motion to dismiss. For the reasons set forth below, the Court grant defendants' motion. This case is dismissed without prejudice.

PROCEDURAL HISTORY

In previous motions, Plaintiff Anthony Webb submitted multiple requests to stay all proceedings for 12 months (Dkts. 22, 26, 30) because he was seeking counsel. The Court denied all of Plaintiff's motions for a 12 month stay and instead granted a stay for two months. Dkt. 31. The Court also ordered Plaintiff to provide the Court with a status report by October 8, 2021. Dkt. 31. Plaintiff did not submit a status report by the deadline – however, he did seek another stay on November 3, 2021 because he was still seeking counsel. Dkt. 37. The Court granted this request. Dkt. 39.

Following this, Plaintiff submitted a change of address form that updated his current address to the King County Jail. Dkts. 40, 42. Shortly after, the Court sent both

1 parties an order to file a status report. Dkt. 43. The copy of the order mailed to plaintiff,
2 however, was returned by the Postal Service on April 8, 2022 as undeliverable. Dkt. 44.

3 The defendants later filed a motion for extension of time to file the status report,
4 which was granted by the Court. Dkts. 46,48. Mail notifying Plaintiff of this change was
5 again returned to the Court as undeliverable. Dkt. 49. Defendants have also been
6 unable to contact Plaintiff despite having "tried multiple avenues and resources" to do
7 so. Dkt. 51 at 2.

8 DISCUSSION

9 Rule 41(b)(2) of the Local Rules provides:

10 If mail directed to a pro se plaintiff by the clerk is returned by the Postal
11 Service, or if email is returned by the internet service provider, and if such
12 plaintiff fails to notify the court and opposing parties within 60 days
13 thereafter of his or her current mailing or email address, the court may
14 dismiss the action without prejudice for failure to prosecute.

15 CR 41(b)(2), Local Rules W.D. Wash. Here, Plaintiff has not notified the Court of his
16 current mailing address within 60 days of his mail being returned to the Court by the
17 Postal Service. As such, the Court GRANTS defendants' motion to dismiss the instant
18 case without prejudice.

19 Dated this 26th day of July, 2022.

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22 Theresa L. Fricke
23 United States Magistrate Judge
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